

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
San Francisco Division

ALICIA HERNANDEZ, et al.,
Plaintiffs,
v.
WELLS FARGO BANK, N.A., et al.,
Defendants.

Case No. 18-cv-07354-WHA (LB)

DISCOVERY ORDER

Re: ECF Nos. 218 & 219

The parties submitted two discovery disputes, and the court held a hearing on February 13, 2020 to address them.¹ The court gave guidance that is reflected in the record of the hearing.² At the hearing, Wells Fargo said the following: (1) for RFP 24, it produced all relevant, non-privileged communications and will produce (in part because the court directed it) any response from Senator Schatz; and (2) for RFPs 28 and 31 (regarding the VA loan modification), it has a document regarding this alleged error (allegedly similar to the denial of loan modifications in this case), and it will produce it (essentially, because the court's order was that it must, and there is no

¹ Joint Letter Briefs – ECF Nos. 218 & 219; Minute Entry – ECF No. 224. Citations refer to material in the Electronic Case File (“ECF”); pinpoint citations are to the ECF-generated page numbers at the top of documents.

² Audio File – ECF No. 225.

burden).³ Another issue is the plaintiff's request for the Apex deposition.⁴ The court denied the request on the ground that other lower-level employees likely had better information (but did so without prejudice to the plaintiff's submitting documents (referenced at the hearing) establishing that she has the knowledge that justifies an Apex deposition).⁵ For the reasons discussed on the record, the utility of the Apex deposition is not apparent, and the court is unlikely to order it.⁶

If the parties raise any disputes regarding this order or the February 13 hearing, they must include a transcript of the audio file. The court is fine with a rough transcript that the parties generate.

IT IS SO ORDERED.

Dated: February 21, 2020



LAUREL BEELER
United States Magistrate Judge

³ *Id.*

⁴ Joint Letter Brief – ECF No. 219 at 1–5.

⁵ Audio File – ECF No. 225.

⁶ *Id.*